

REMARKS

Claims 1-4 and 6-8 are pending. Claims 9-22 have been withdrawn from consideration. New claims 23-26 are added. New claim 23 is supported, for example, by Figure 5A. New claim 24 is supported, for example, by Figure 4A. Illustrative support for new claims 25 and 26 is found in Figure 5B. In the above referenced Office Action, claims 1-4 and 6-8 stand rejected. Reconsideration of the application is requested.

Claims 1, 3, 4, 6 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Njemanze (U.S. 6,468,219). Njemanze discloses moving files using the Internet. Njemanze fails to teach, among other things, “a portal interface including a browser at a remote clinician station providing access to the retrieved data over a network via the web server at the remote data center location”, as in claim 1. Njemanze states “The system can be programmed to automatically access the Internet 14 and use the ‘File Transfer Procedure’ to move files containing information that may include spectral data, microembolic signal rate, patient personal data, equipment serial number and lot number to a physician or emergency medical service personnel. “ While Njemanze refers to a “File Transfer Procedure”, this “procedure” is not specifically defined and no protocol is mentioned or described for moving the files. A procedure for merely moving files via the Internet “to a physician or medical personnel” could simply involve sending an email with an attachment to the physician or transferring a file directly to a physician’s networked computer that is not configured to operate as a server. No where does Njemanze describe or suggest a portal interface including a browser providing access to retrieved data via the web server at the remote data center. For at least this reason, Applicant respectfully asserts the anticipation rejection based on Njemanze is improper and should be withdrawn.

Claims 2 and 8 stand variously rejected under 35 U.S.C. 103(a) as being unpatentable over Njemanze (U.S. 6,468,219). In view of the above discussion, claim 1 is allowable over Njemanze. Thus claims 2-4 and 6-8 dependent thereon

are likewise allowable. Furthermore, Applicant respectfully traverses the Examiner's conclusion that it would be obvious to adapt the blood flow monitoring taught by Njemanze to include blood pressure monitoring. Njemanze clearly specifies measuring the velocity of moving red blood cells to detect motion of microembolic signals using a transcranial Doppler ultrasound device. Njemanze makes no suggestion that a pressure signal could be substituted for the transcranial Doppler signal, and no sensor or device capable of monitoring blood pressure in the brain for determining stroke susceptibility is described. Moreover, Njemanze teaches away from including blood pressure monitoring by stating, at col. 1 lines 55-61, "The possibility that failure of cerebrovascular flow regulatory mechanisms such as in syncope may not be accompanied by fall in mean arterial blood pressure has been raised in an article by Njemanze P.C." Accordingly, Applicant respectfully submits the rejection of claim 2 is improper and should be withdrawn.

New claims 23-26 are dependent on claim 1. Since claim 1 distinguishes over Njemanze as set forth above, claim 1 and dependent claims 2-4, 6-8 and 23-26 are allowable.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested. Further, Applicant reserves the right to re-present any originally file, cancelled, and/or previously unclaimed subject matter in a subsequently filed continuing application without prejudice or disclaimer.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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